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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/024,923

02/17/1998

DAN KIKINIS

P3295

8936

24739

7590

12/23/2008

CENTRAL COAST PATENT AGENCY, INC  
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WATSONVILLE, CA 95076

EXAMINER

PHUNKULH, BOB A

ART UNIT

PAPER NUMBER

2419

MAIL DATE

DELIVERY MODE

12/23/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/024,923	KIKINIS, DAN	
	<b>Examiner</b>	<b>Art Unit</b>	
	BOB A. PHUNKULH	2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 59-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

This communication is in response to applicant's 09/08/2008 amendment(s)/response(s) in the application of **KIKINIS** for "**TELEPHONE NETWORK INTERFACE BRIDGE BETWEEN DATA TELEPHONY NETWORKS AND DEDICATED CONNECTION TELEPHONY NETWORKS**" filed 07/17/1998. The amendment/response to the claims have been entered. No claims have been canceled. No claims have been added. Claims 59-64 are now pending.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 59-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over *CHINNI* et al. (US 6,205,135), hereinafter *CHINNI*.

Regarding claim 59, *CHINNI* discloses a telephony bridge unit (alternate access platform 100 functions as a bridge, see figure 1), comprising:

a first interface for connecting to a connection-oriented switched telephony (COST) network (one interface of alternate access platform 100 "AAP" coupled to local exchange 150, which is part P STN, see figure 1 and col. 3 lines 8-11);

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a second interface for connecting to a data network for data network telephony (DNT) calls (second interface for connecting to Internet, see figure 1);

a protocol converter for converting calls between DNT and COST network protocols;

a processor for managing operations of the bridge unit (the CPU 120 in AAP 100 see figure 2); and

a data repository storing code and data;

wherein the bridge unit,

receiving a call from a caller on the COST network (see col. 2 lines 24-26),

accesses a look-up table in the data repository relating COST telephone numbers to data network addresses (see col. 6 lines 16-30),

retrieves a data network address associated with the COST telephone number (see col. 6 lines 16-30),

places a data network call on the DNT network to a destination using the data network address (see col. 6 lines 16-30),

connects the incoming COST and outgoing DNT calls (see col. 6 lines 16-30), and

translates protocol in both directions between the COST and the DNT networks while the calls are connected (the AAP 100 translates the protocol between the PSTN (circuit switch) and the Internet (packet switch), see figure 1 and col. 6 lines 16-30), and in the event of receiving a call on the data network,

accesses information in the received call indicating a COST telephone number, places a call on the COST network to the COST number, connects the incoming DNT and outgoing COST calls, and translates protocol in both directions between the DNT and the COST networks while the calls are connected (see col. 6 lines 16-30; and col. 6 lines 50-53).

*LI* fails to explicitly disclose that the network address representing final destinations for the COST calls or the called telephone device having its own IP address.

*LI*, however, discloses that PC to PC calls the caller dialed the destination IP address by replacing the dot "." with pound sign "#" (see col. 7 lines 15-35).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made includes the destination IP address of the telephone (PC phone) at the AAP 100 in order to offer POTS to PC calls over cost saving Internet network.

Regarding claim 60, *CHINNI* discloses the COST network is a publicly switched telephony (PSTN) network (PSTN, see figure 1 and col. 3 lines 7-11).

Regarding claim 61, *CHINNI* discloses the data network is the Internet, and the DNT calls are Internet Protocol Network Telephony (IPNT) calls or voice over Internet protocol (VoIP) calls (see phone call over Internet, see col. 6 lines 16-30).

Regarding claim 62, *CHINNI* discloses a method for managing telephone calls in different protocols, comprising steps of:

upon receiving a call for a specific destination from a connection-oriented switched telephony (COST) network at a bridge unit (AAP 100, see figure 1) having a first interface (AAP 100 having an interface for connecting to the local exchange 150, see figure 1, and col. 3 lines 8-11) for connecting to the COST network and second interface for connecting to the DNT network (AAP 30 having a second interface for connecting to the Internet, see figure 1), retrieves a data network address associated with the COST telephone number, places a call on the DNT network using the retrieved destination, connects the incoming COST and outgoing DNT calls, and translates protocol in both directions between the COST and the DNT networks while the calls are connected (see col. 6 lines 16-30); and

upon receiving a call on from the data network, uses a COST number received with the call to place a COST call to that number, connects the incoming DNT and outgoing COST calls, and translates protocol in both directions between the COST and the DNT networks while the calls are connected (see col. 6 lines 16-30; and col. 6 lines 50-53).

*LI* fails to explicitly disclose that the network address representing final destinations for the COST calls or the called telephone device having its own IP address.

*LI*, however, discloses that PC to PC calls the caller dialed the destination IP address by replacing the dot "." with pound sign "#" (see col. 7 lines 15-35).

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Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made includes the destination IP address of the telephone (PC phone) at the AAP 100 in order to offer POTS to PC calls over least cost carrier Internet network without having to convert the IP address to telephone number at the destination AAP 200.

Regarding claim 63, *CHINNI* discloses the COST network is a publicly switched telephony (PSTN) network (see col. 3 lines 7-11 and figure 1).

Regarding claim 64, *CHINNI* discloses the data network is the Internet, and the DNT calls are Internet Protocol Network Telephony (IPNT) calls or voice over Internet protocol (VoIP) calls (see phone call over Internet, see col. 6 lines 16-30).

### ***Response to Arguments***

Applicant's arguments with respect to claims 59-64 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 9/8/2008 have been fully considered but they are not persuasive.

In response to the applicant's argument in page 7, *LI* disclose the following in col. 6 lines 50-53:

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Upon receiving a call setup message, over Internet line 201-1, alternate access platform 200 places a telephone call to the indicated called party using the received called party telephone number.

Therefore, *LI* discloses the AAP 200, with is similar to AAP 100, retrieved the COST number from the DNT calls and forwarding the call to it destination.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### **Any response to this action should be mailed to:**

The following address mail to be delivered by the United States Postal Service (USPS) only:

Mail Stop \_\_\_\_\_  
Commissioner for Patents



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P. O. Box 1450  
Alexandria, VA 22313-1450

**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**

The following address mail to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, Hand Delivery, etc.) as follow:

U.S. Patent and Trademark Office  
220 20<sup>th</sup> Street South  
Customer Window, Mail Stop \_\_\_\_\_  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bob A. Phunkulh** whose telephone number is **(571) 272-3083**. The examiner can normally be reached on Monday-Tuesday from 8:00 A.M. to 5:00 P.M. (first week of the bi-week) and Monday-Friday (for second week of the bi-week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor **Jay Patel**, can be reach on **(571) 272-2988**. The fax phone number for this group is **(571) 273-8300**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/BOB A PHUNKULH/  
Primary Examiner, Art Unit 2419